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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,924	07/11/2003	Scott Bohannon	B9330.0002/P001	2433
24998 7590 02/21/2008 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				
EXAMINER				
ALMATRAHI, FARIS S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,924

Applicant(s)

BOHANNON ET AL.

Examiner

FARIS ALMATRAHI

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 37-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-36 is/are rejected.
- 7) ☒ Claim(s) 10,11 and 14-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/14/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. **Claims 1-39** are pending in this application.
2. **Claims 3 and 37-39** are withdrawn from consideration due to non-elected restriction requirement.

Claim Objections

3. **Claims 10 and 14** are objected to because of the following informalities: Claims 10 and 14 are duplicate claims and listed twice. Applicant should remove one of the claims.
4. **Claims 11 and 15** are objected to because of the following informalities: Claims 11 and 15 are duplicate claims and listed twice. Applicant should remove one of the claims.
5. **Claims 16 and 17** are objected to because of the following informalities: Claims 16 and 17 are duplicate claims and listed twice. Applicant should remove one of the claims.
6. **Claims 18 and 19** are objected to because of the following informalities: Claims 18 and 19 are duplicate claims and listed twice. Applicant should remove one of the claims.

Specification

7. Specification objected to for failing to disclose claimed subject matter in claims 16-19 and 30-35. The following limitation are in the claims but not disclosed in specification: "escrow service", "bonding service", "Wish List Module", "Buyer's Preference Module", and "Custom Catalog Module".

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1, 4, 6, 8, 10-12, and 14-35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. **Claim 1** recites the limitation "a sales processing module wherein a buyer may complete a transaction with a seller identified through said buyer's search display module". The phrase "may" is viewed to be vague and indefinite because it stipulates a conditional limitation. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

11. **Claims 10 and 14** recite the limitation "said result box". There is insufficient antecedent basis for this limitation in the claim. Claims 10 and 14 are a dependent of claim 7, of which there is no prior disclosure of "said result box". It is unclear as to what the applicant is referring to.

12. **Claim 20** recites the limitation "said action box". There is insufficient antecedent basis for this limitation in the claim. Claim 20 is a dependent of claim 11, of which there is no prior disclosure of "said action box". It is unclear as to what the applicant is referring to.

13. **Claim 22** recites the limitation "said seller contact preferences". There is insufficient antecedent basis for this limitation in the claim. Claim 20 is a dependent of claim 19, of which there is no prior disclosure of "said seller contact preferences". It is unclear as to what the applicant is referring to.

14. **Claim 24** recites the limitation "said save search function". There is insufficient antecedent basis for this limitation in the claim. Claim 24 is a dependent of claim 21, of which there is no prior disclosure of "said save search function". It is unclear as to what the applicant is referring to.

15. **Claim 25** recites the limitation "said contact option function permits a buyer to request a seller contact said buyer by at least one method selected from the group consisting of a telephone, e-mail, traditional mail, or a buyer's search display module". It is unclear if function permits a buyer to request a "seller contact" or to request a seller to contact said buyer by the means disclosed. Also, there is insufficient antecedent basis for the phrase "said contact option function". Claim 25 is a dependent of claim 21, of which there is no prior disclosure of "said contact option function". It is unclear as to what the applicant is referring to.

16. **Claim 26** recites the limitation "said matches box". There is insufficient antecedent basis for this limitation in the claim. Claim 26 is a dependent of claim 11, of

which there is no prior disclosure of "said matches box". It is unclear as to what the applicant is referring to.

17. **Claim 27** recites the limitation "said complements box". There is insufficient antecedent basis for this limitation in the claim. Claim 27 is a dependent of claim 11, of which there is no prior disclosure of "said complements box". It is unclear as to what the applicant is referring to.

18. **Claim 28** recites the limitation "said statistical alternatives box". There is insufficient antecedent basis for this limitation in the claim. Claim 28 is a dependent of claim 11, of which there is no prior disclosure of "said statistical alternatives box". It is unclear as to what the applicant is referring to.

19. **Claim 29** recites the limitation "said advertisements box". There is insufficient antecedent basis for this limitation in the claim. Claim 29 is a dependent of claim 11, of which there is no prior disclosure of "said advertisements box". It is unclear as to what the applicant is referring to.

20. **Claims 30, 32 and 34** recite the limitation "said action box". There is insufficient antecedent basis for this limitation in the claim. Claims 30, 32 and 34 are a dependent of claim 11, of which there is no prior disclosure of "said action box". It is unclear as to what the applicant is referring to.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. **Claims 1-2, 4-15, 20-21, 23-24, and 26-36** are rejected under 35 U.S.C. 102(b)

as being anticipated by Pugliese, III et al. (US Publication No. 2001/0044751 A1).

23. Regarding claims 1-2 and 36, Pugliese discloses a system and method of fulfilling a buyer's request comprising: entering a buyer's request into a buyer's purchase request module (Paragraphs [0009] – [0010]); conducting a search of said buyer's purchase request using a seller's search function module (Paragraph [0124], Paragraph [0267]); providing offers to a buyer using an offer display module wherein a buyer can complete a transaction with a seller using a sales processing module (Paragraph [0010], Paragraph [0232]).

24. Regarding claims 4-5, Pugliese discloses a system further comprising a seller's program (Abstract).

25. Regarding claims 6-7, Pugliese discloses a system wherein said buyer's purchase request module further comprises a natural language search engine (Paragraph [0124]).

26. Regarding claim 8, Pugliese discloses a system wherein said buyer's search display module provides a plurality of result boxes (Figure 26).

27. Regarding claim 9, Pugliese discloses a system wherein said offer display module provides a plurality of result boxes (Figure 26).

28. Regarding claims 10-11 and 14-15, Pugliese discloses a system wherein said result box provides at least a product name, a product description, a seller name, a seller contact and an indication as to whether a seller participates in a seller program (Paragraph [0206] – [0208]).

29. Regarding claims 12-13, Pugliese discloses a system wherein said buyer's search display module further comprises an action box, a matches box, a complements box, a statistical alternatives box and an advertisements box (Abstract, Paragraph [0010], Paragraph [0143], Paragraph [0270]).

30. Regarding claims 20-21, Pugliese discloses a system wherein said action box permits a buyer to indicate seller contact preferences (Paragraph [0010] – [0013], Paragraph [0140]).

31. Regarding claim 23, Pugliese discloses a system wherein said seller contact preferences further comprise a save search function and contact option function (Paragraph [0091] - [0092], Paragraph [0221]).

32. Regarding claim 24, Pugliese discloses a system wherein said save search function permits a buyer to save a plurality of said buyer's purchase requests (Paragraph [0221]).

33. Regarding claim 26, Pugliese discloses a system wherein said matches box provides matches to a buyer's purchase request (Paragraph [0270]).

34. Regarding claim 27, Pugliese discloses a system wherein said complements box provides complementary goods or services related to a buyer's purchase request (Paragraph [0010]).

35. Regarding claim 28, Pugliese discloses a system wherein said statistical alternatives box provides goods or services statistically likely to be desired by a buyer (Paragraph [0010], Paragraph [0143]).
36. Regarding claim 29, Pugliese discloses a system wherein said advertisements box provides targeted advertising (Abstract).
37. Regarding claims 30-31, Pugliese discloses a system wherein said action box further comprises a Wish List Module (Paragraph [0090]).
38. Regarding claims 32-33, Pugliese discloses a system wherein said action box further comprises a Buyer's Preference Module (Paragraph [0092]).
39. Regarding claims 34-35, Pugliese discloses a system wherein said action box further comprises a Custom Catalog Module (Paragraph [0091], Paragraph [0386]).

Claim Rejections - 35 USC § 103

40. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

41. **Claims 16-19 and 22** are rejected under 35 U.S.C 103(a) as being unpatentable over Pugliese, III et al. (US Publication No. 2001/0044751 A1) in view of Foth et al. (US Patent No. 6,839,690 B1).

42. Regarding Claims 16-19, Pugliese fails to explicitly disclose a system wherein said seller's program comprises an escrow and a bonding service.

43. However, Foth discloses a system wherein said seller's program comprises an escrow and a bonding service (Column 4 lines 35-60).

44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Foth in the device of Pugliese reference to include a system wherein said seller's program comprises an escrow and a bonding service, for the advantage of providing buyers and sellers conducting online transactions to collaboratively enter into a contract.

45. Regarding claim 22, Pugliese discloses a system wherein said seller contact preferences further comprise a save search function and contact option function (Paragraph [0091] - [0092], Paragraph [0221]).

46. **Claim 25** are rejected under 35 U.S.C 103(a) as being unpatentable over Pugliese, III et al. (US Publication No. 2001/0044751 A1) in view of official notice.

47. Regarding Claim 25, Pugliese fails to explicitly disclose a system wherein said contact option function permits a buyer to request a seller contact said buyer by at least one method selected from the group consisting of a telephone, e-mail, traditional mail, or a buyer's search display module.

48. However, Examiner takes official notice that an option of contacting a buyer by a method selected from a group consisting of a telephone, e-mail, traditional mail, or a

buyer's search display module is old and well known in the art at the time the invention was made.

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a system wherein said contact option function permits a buyer to request a seller to contact said buyer by at least one method selected from the group consisting of a telephone, e-mail, traditional mail, or a buyer's search display module, for the advantage of providing a buyer with a choice of a preferred method to be contacted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Faris Almatrahi
Examiner
Art Unit 3627

FA